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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/597,146

Applicant(s)

KADOMATSU, DAIKI

Examiner

Kristie D. Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

Claims 32, 34 and 36-40 have been amended.

Claims 1-31 and 33 are cancelled.

Claims 32 and 34-40 are pending.

Response to Arguments

I. Applicant's arguments with respect to claims 32 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. **Claims 32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan (US 5,414,780) in view of Hattori et al (US 6,570,667) in further view of Mohtashemi et al (US 5,684,865).**

a. Per claim 32, *Carnahan* teaches a color facsimile apparatus comprising:

- reading means for line-sequentially scanning an original document in a main scanning direction with moving the original document in a sub scanning direction (*col.5 lines 48-67, col.10 lines 58-67*);

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- generating means for generating image data representing the original document (*col.6 lines 1-43, col.7 lines 14-47, col.10 lines 24-32*);
- buffering means for storing the image data generated by said generating means in a buffer (*col.5 lines 46-67, col.7 line 67-col.8 line 4, col.8 lines 40-56, col.12 lines 36-61*);
- extracting means for extracting as a minimum processing unit for JPEG compression processing, image data equivalent to one line in the main scanning direction of the original document from the buffer (*col.11 lines 1-20, col.11 line 58-col.12 line 14*);
- compressing means for executing JPEG compression processing for each unit of the extracted image data including the unit of the extracted image data in which the transmission information is overwritten after overwriting the transmission information by said overwriting means (*col.11 lines 1-20, col.11 line 58-col.12 line 14*);
- storing means for storing compressed data by said compressed mean in a memory (*col.7 line 48-col.8 line 4, col.10 lines 24-32, col.12 lines 36-61*) and
- transmitting means for transmitting a JPEG image data based on the compressed data stored in the memory (*col.11 line 58-col.12 line 14, col.12 lines 49-61, col.14 lines 22-30*).

Yet *Carnahan* fails to explicitly teach overwriting means for overwriting transmission information of image data for a page header or page footer in a unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit in which the transmission information should be overwritten; wherein the JPEG image data includes the compressed data of the transmission information. However, *Hattori et al* teach overwriting transmission information of image data for a page header or page footer in a unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit in which the transmission information should be overwritten (*col.19 lines 38-56, col.24 lines 1-15, col.25 lines 2-57, col.39 line 33-col.40 line 28*); while *Mohtashemi et al* teach (*col.3 line 60-col.4 line*

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28) wherein the JPEG image data includes the compressed data of the transmission information (*col.4 lines 30-40, col.5 lines 7-16, col.10 lines 4-44, col.11 line 46-col.12 line 10*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Carnahan* with *Hattori et al* and *Mohtashemi et al* for the purpose of modifying the transmission data of the header of footer to indicate the current transmission status, while compressing the original document and the transmission data before faxing the document; since these are predictable and obvious steps in facsimile transmission which when implemented together achieve the claimed invention with reasonable expectation of success.

b. **Claims 36 - 40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 34**, *Carnahan* with *Hattori et al* and *Mohtashemi et al* teach the color facsimile apparatus according to claim 32, further comprising determining means for determining whether the unit of the extracted data is the unit in which the transmission information should be overwritten, and wherein said overwriting means overwrites the transmission information in the unit of the extracted data according to a determination of said determining means (*Hattori et al—col.24 lines 1-15, col.25 lines 2-57, col.39 line 33-col.40 line 28*).

d. **Per claim 35**, *Carnahan* with *Hattori et al* and *Mohtashemi et al* teach the color facsimile apparatus according to claim 32, wherein the transmission information indicates at least one of a date, a time, and a number of pages (*Hattori et al—col.19 lines 38-56*).

Conclusion

IV. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Weber (4135214).

V. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

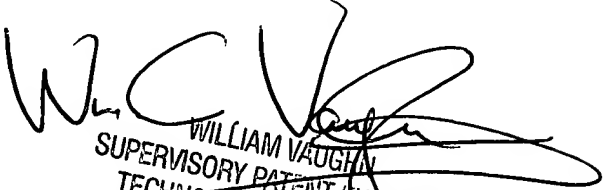
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


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